



Appeal Decision

Site visit made on 26 November 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/T0355/Y/24/3343924

69 Kings Road, Windsor, Windsor and Maidenhead SL4 2AD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr M Veiga-Pestana against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application reference is 23/02791.
 - The works are described as 'proposed raising of existing rear landing window, and addition of black metal railings to established balcony/roof terrace.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
3. This appeal relates solely to the refusal of listed building consent. The associated planning appeal is not before me.

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building known as 'Brunswick Terrace' (List Entry Number: 1117711), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. Brunswick Terrace is a Grade II listed building, which includes 65-79 Kings Road. The building was built around the 1800s. Brunswick Terrace is three storeys high when viewed from the front and four storeys high when viewed from the rear. Its rear elevation overlooks The Long Walk, which forms part of The Royal Estate, Windsor: Windsor Great Park, which is a Grade I Park and Garden.
6. Brunswick Terrace is constructed of London Stock brick and has a shallow slate pitched roof, which is set back behind a parapet wall. The appeal property has a modern, two storey rear projection, which has a flat roof. While I observed extensions of varying designs to the rear of the terrace, the upper floors are generally less altered. As a result, the upper floors of the listed building,

including its distinctive staggered fenestration pattern at second floor level remain largely evident and legible. The windows on the historic part of the rear elevation are predominately white painted, single glazed, timber sash windows, with gauged brick arches above.

7. Based on the evidence before me and my site visit, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of early 19th century, Georgian domestic architecture. The building's historic fabric, its use of traditional materials, architectural detailing and the general uniformity of windows on the historic part of the building, contribute towards its special interest.
8. The proposal seeks to increase the height of the existing window on the second floor rear elevation, to provide easier access onto the flat roof. The width of the window would remain the same. The appellant advises that the proposal would result in the loss of four courses of bricks of a length of approximately 900mm each. I appreciate that the window is already impacted by the stair and that the proposal would affect a relatively small area. However, the proposal would result in the loss of historic fabric, which would cause harm to the special interest of the listed building.
9. The appellant advises that the gauged brick arch above the existing window would be carefully removed and reinstated with lime mortar, 300mm higher than its current position. Although the windows at second floor level on the rear elevation are staggered, the higher level windows generally follow a consistent line, with their gauged brick arches set lower than the cill of the window above. I have no doubt that the works would be carried out to a very high standard by a conservation specialist. Nonetheless, in this case, the enlargement of the window, including the raising of the gauged arch would harmfully disrupt the existing pattern of fenestration on the rear elevation and would undermine the legibility of the arrangement of windows, which would diminish the building's special historic and architectural interest.
10. I appreciate that there are a variety of window sizes and designs, particularly on the more modern extensions to the listed building. The appellant has also drawn my attention to enlarged windows and changes to window design on the historic part of the terrace. Furthermore, I observed a prominent conservatory on the adjacent dwelling, which extends to second floor level. Nevertheless, I do not find that the other examples justify the loss of further historic fabric or the erosion of the character of the rear of the listed building.
11. The proposal also seeks to provide metal railings, which would be fixed to the roof of the modern, two storey rear projection. The proposed railings would be simple in form, allow views of the rear of the property to be retained and would be easily reversible. I appreciate that there are examples of black railings to the rear of the terrace; however, there is limited evidence before me of the circumstances of the other railings. While railings would not be out of character for this period, they would cause visual clutter to the rear of the building and would diminish the relatively simplistic form of the rear elevation of the listed building.
12. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building and would harm the significance of this designated heritage asset.

13. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should require clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
15. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal. The proposal would also facilitate safer access to an area, which the appellant advises that they have been using as a roof terrace for many years. However, the use of this area is disputed and there is no lawful development certificate before me to confirm the lawful use of this area. As a result, I give this benefit limited weight in favour of the proposal as a public benefit. While I appreciate that users of this area would have excellent views, this is a private, rather than a public benefit. There is no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset.
16. Given the harm that I have identified, I do not find that the proposal would add to the interest and character of the terrace, particularly when viewed by users of the Long Walk.
17. Overall, there would be limited social and economic public benefits from the proposal. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
18. Given the above, I conclude that, on balance, the proposal would fail to preserve the special interest of the listed building and would fail to satisfy the requirements of the Act and historic environment policies of the Framework. The proposal would conflict with Policy HE1 of the Royal Borough of Windsor and Maidenhead Borough Local Plan 2013 – 2033, adopted February 2022, which among other things requires that the historic environment is conserved and enhanced in a manner appropriate to its significance.

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

A James

INSPECTOR